

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY)	
COMPANY, an insurance company)	
incorporated in the State of Iowa;)	
)	CIVIL ACTION NUMBER
Plaintiff,)	
)	CV 2:05-cv-00789-CSC
V.)	
)	
VERSATILE BUILDERS, INC; JULIUS)	
BLOOMSTON and HEIDI BLOOMSTON)	
)	
Defendants.)	

MOTION TO TRANSFER VENUE TO NORTHERN DISTRICT OF ALABAMA

Comes Now Plaintiff Employers Mutual Casualty Company (“EMCC”) and hereby moves the Court to transfer venue of this action to the United States District Court for the Northern District of Alabama, Southern Division. This motion is based upon the following:

1. This declaratory judgment action concerns EMCC’s duties to its insured, Defendant Versatile Builders, Inc., (“Versatile”) arising out of an underlying lawsuit pending in the Jefferson County Circuit Court, styled, *Julius and Heidi Bloomston v. Versatile Builders, Inc.*, CV 05-2643 (“the underlying action”). Defendants Julius and Heidi Bloomston are the plaintiffs in the underlying action. (See the underlying complaint attached as Exhibit A).

2. This declaratory judgment action was inadvertently filed in the Middle District of Alabama when it should have been filed in the Northern District of Alabama as the underlying action is pending in Jefferson County, Alabama. (See the underlying complaint attached as Exhibit A).

3. As of this date, no responsive pleading has been filed and a copy of this motion is being sent to all parties.

Wherefore, premises considered, EMCC requests the court transfer this matter to the United States District Court for the Northern District of Alabama, Southern Division.

Respectfully submitted,

/s/ Cynthia A. Martin ASB-2044-i49c
Attorney for Employers Mutual Casualty Company

OF COUNSEL:

KEE & SELBY, L.L.P.
1900 International Park Drive
Suite 220
Birmingham, Alabama 35243
(205)968-9900 (phone)
(205)968-9909 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have served, via U.S. Mail, a true and correct copy of the above and foregoing upon all defendants identified in this proceeding, this the 25th day of August, 2005.

Versatile Builders, Inc.
c/o Registered Agent Marie Robertson
1116 Old Section Road Southeast
Birmingham, Alabama 35244

Julius Bloomston
3721 Shamley Circle
Mountain Brook, Alabama 35223

Heidi Bloomston
3721 Shamley Circle
Mountain Brook, Alabama 35223

/s/ Cynthia A. Martin ASB-2044-i49c
Attorney for Employers Mutual Casualty Company